



Combined Declaration and Power of Attorney for Patent Application

Docket Number: 138.41.US01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled LACTOFERRIN AS REGULATOR OF ALLERGEN-INDUCED TUMOR NECROSIS FACTOR- α PRODUCTION AND THERAPEUTIC APPLICATIONS

, the specification of which is attached hereto unless the following box is checked:

☒ was filed on April 10, 1998;
as United States Application Number or PCT International Application Number 09/058,589; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)			
Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
			Yes No
			Yes No
			Yes No
			Yes No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.	Filing Date
60/041,890	April 10, 1997

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Filing Date	(Status – patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent

and Trademark Office connected therewith:

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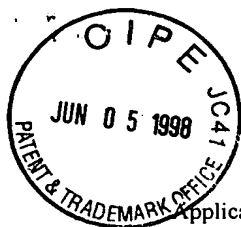
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR: Ian KIMBER	CITIZENSHIP: UK
RESIDENCE: (United Kingdom) 52 Meadow Dr., Knutsfort, Cheshire WA16ODT	DATE: 18 MAY 1998
POST OFFICE ADDRESS: 7505 Fannin Street, Suite 510, Houston, Texas 77054, USA	INVENTOR'S SIGNATURE: Ian Kimber
FULL NAME OF SECOND INVENTOR: Marie CUMBERBATCH	CITIZENSHIP: UK
RESIDENCE: (UNITED KINGDOM) 6 COBBETTS WAY, WILMSLOW, CHESHIRE SK9 6HN	DATE: 18 MAY 1998
POST OFFICE ADDRESS: 7505 Fannin Street, Suite 510, Houston, Texas 77054, USA	INVENTOR'S SIGNATURE: M Cumberbatch
FULL NAME OF THIRD INVENTOR: Rebecca J. DEARMAN	CITIZENSHIP: UK
RESIDENCE: 134 Buxton Rd., Macclesfield, Cheshire SK10 1NG, United Kingdom	DATE: 18 MAY 1998
POST OFFICE ADDRESS: 7505 Fannin Street, Suite 510, Houston, Texas 77054, USA	INVENTOR'S SIGNATURE: R J DeArman

(Supply similar information and signature for subsequent joint inventors, if any)

Orla

FULL NAME OF FOURTH INVENTOR: <i>Orla</i> M. CONNEELY	CITIZENSHIP: <i>Ireland</i>
RESIDENCE: 7350 Kirby Dr. #17 Houston, Tx 77030	DATE: <i>5/27/98</i>
POST OFFICE ADDRESS: 7505 Fannin Street, Suite 510, Houston, Texas 77054, USA	INVENTOR'S SIGNATURE: <i>Orla M. Conneely</i>
FULL NAME OF FIFTH INVENTOR: Pauline WARD	CITIZENSHIP: <i>IRELAND</i>
RESIDENCE: 2348 Sheridan, #1 Houston, Tx 77030	DATE: <i>5/27/98</i>
POST OFFICE ADDRESS: 7505 Fannin Street, Suite 510, Houston, Texas 77054, USA	INVENTOR'S SIGNATURE: <i>Pauline P. Ward</i>



**Verified Statement (Declaration) Claiming Small Entity Status
(37 C.F.R. §§ 1.9(d) and 1.27(c)) -- Small Business Concern**

Applicant or Patentee: **Ian Kimber; Marie Cumberbatch; Rebecca J. Dearman; ^{ORla}Paul M. Conneely; and Pauline Ward**
Application, or Patent No.: **09/058,589** Attorney Docket No. **138.41.US01**

Filed or Issued: **April 10, 1998**

For: **LACTOFERRIN AS REGULATOR OF ALLERGEN-INDUCED TUMOR NECROSIS FACTOR- α
PRODUCTION AND THERAPEUTIC APPLICATIONS**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN **Agennix, Inc.**

ADDRESS OF SMALL BUSINESS CONCERN **7505 Fannin Street, Suite 510, Houston, Texas 77054, USA**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization (other than the small business concern identified above) having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.
☐ each person, concern, or organization is listed below.

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING **Denis R. Headon**

TITLE IN ORGANIZATION **Chief Executive Officer**

ADDRESS OF PERSON SIGNING **7505 Fannin Street, Suite 510, Houston, Texas 77054, USA**

SIGNATURE *D. R. Headon* Date: *May 28, 1998*